

OPERATIONS- OFFICE OF COMMUNITY RELATIONS (OCR)
DHMH POLICY 02.06.04
Effective Date- July 15, 2005

POLICY ON EQUAL EMPLOYMENT OPPORTUNITY (EEO)

I. EXECUTIVE SUMMARY

Federal statutes and the Maryland Code of Fair Practices prohibit the practice of all forms of discrimination in employment based on non-merit factors. This policy implements the Equal Employment Opportunity program at the Department of Health and Mental Hygiene (DHMH) and ensures compliance with all applicable Federal and State laws and regulations. The policy further prohibits any unit of DHMH from conducting business with firms, institutions, or agencies that engage in workplace discrimination. All units of the Department as well as grant-in-aid programs, health services providers, and DHMH contractors/subcontractors that receive Federal or State funds are covered by this policy.

Each Deputy Secretary, Program Director, Facility CEO, Health Officer, unit head or supervisor of one or more employees shall ensure that a review of EEO practices is included as a component of the annual performance evaluation completed for each subordinate supervisor.

The Executive Director of the Office of Community Relations (OCR) or designee has the following responsibilities:

- develop, recommend, and monitor DHMH EEO policies and procedures to assure the Department is in compliance with Federal and State laws and regulations.
- provide technical assistance to DHMH components in matters regarding EEO practices.
- where authorized, act on behalf of the Secretary or Deputy Secretaries of DHMH to carry out the provisions and intent of this policy.
- accept timely complaints and conduct on-site reviews, as necessary.
- cooperate with Federal and State offices responsible for equal employment opportunity.
- prepare an annual EEO report for all DHMH and submit it to the Maryland Commission on Human Relations (MCHR).
- monitor all personnel transactions- hiring, promotions, transfers, reassignments, terminations, discipline, etc for EEO compliance.

All DHMH employees or employment applicants are advised they may contact OCR or alternative resources for information or questions regarding EEO, or to file a complaint.

II. BACKGROUND

DHMH Policy 02.06.04 replaces and makes obsolete DHMH Policy 4141 - Policy on Equal Employment Opportunity, dated July 21, 1983. The policy establishes the basis for a DHMH EEO program of compliance, recognizes the authority of applicable Federal and State laws and regulations, and designates roles and responsibilities for implementation and operation.

III. POLICY STATEMENTS

A. AUTHORITY

Federal and State laws and regulations prohibit the practice of discrimination in employment. This prohibition applies to employment discrimination based on non-merit factors including race, color, national origin, age, religion, sex, disabilities, and any other non-merit factors. Authority for this policy is derived from the following mandates, but other laws and regulations may also apply:

1. Title VII of the Civil Rights Act of 1964, as amended, forbids employment discrimination based on race, color, religion, sex, and national origin;
2. The Age Discrimination in Employment Act of 1967 (ADEA) makes discrimination against employees for reasons of age illegal;
3. Article 49B, Annotated Code of Maryland and the Rehabilitation Act of 1973 prohibit discrimination against persons with a disability.
4. The Equal Pay Act of 1963 prohibits discrimination in wages based on sex.
5. Title I and V of the Americans With Disabilities Act of 1990 prohibits discrimination based upon a disability.
6. The Governor's Executive Order 01.01.1995.19 -Code of Fair Practices prohibits employment discrimination in State Government including discrimination based on sexual orientation.

B. SCOPE

1. This policy applies to all DHMH programs, facilities, independent units such as Boards and Commissions, Local Health Departments, grant-in-aid programs, health services providers, and DHMH contractors/subcontractors receiving Federal or State funds.
2. No component of DHMH shall conduct business with firms, institutions, service providers, or agencies that engage in unlawful discrimination.

C. ROLES AND RESPONSIBILITY

1. Each Deputy Secretary shall ensure that equal opportunity exists in all employment practices within the scope of his or her responsibility.
2. Each Deputy Secretary, Program Director, Facility CEO, Health Officer, unit head or supervisor of one or more employees shall ensure that a review of EEO practices is a component of the annual performance evaluation completed for each subordinate supervisor.
3. Each Program Director, Facility CEO, Health Officer, and unit head or supervisor of one or more employees shall follow the guidelines of this policy within his or her area of responsibility.

4. The Executive Director, OCR, is designated by the Secretary, DHMH, to have oversight responsibility for the following:

- a. Develop, recommend, and monitor policies and procedures necessary for DHMH to be EEO compliant with Federal and State laws and regulations.
- b. Provide technical assistance and advice on EEO practices to all DHMH components.
- c. Monitor all personnel transactions- hiring, promotions, transfers, reassignments, terminations, discipline, etc. for EEO compliance.
- d. Where authorized, act for the Secretary or Deputy Secretary in carrying out the provisions of this policy.
- e. Accept timely complaints and conduct on-site reviews, as necessary.
- f. Work in concert with the Maryland Commission on Human Relations (MCHR) and the Federal Equal Employment Opportunity Commission (EEOC) in the investigation of alleged discrimination.
- g. Prepare and submit relevant reports to the Secretary and appropriate Federal and State agencies.

D. RESOURCES FOR OBTAINING SERVICE

1. DHMH OFFICE OF COMMUNITY RELATIONS - EMPLOYMENT EQUITY UNIT <http://www.dhmh.state.md.us/ocr/eeu/eeuhome.htm>

The OCR Employment Equity Unit attempts to quickly resolve employment discrimination disputes through mediation, investigation, and training; and to maintain a discrimination-free work environment for all employees within DHMH regardless of race, color, sex, religion, national origin, age, disability, or sexual orientation.

- a. If you believe you have been discriminated against at DHMH, you may file a complaint with the Employment Equity Unit. Complaints must be filed within 30 days of the alleged discriminatory practice or act. Please call 410-767-6600 to schedule an appointment. All matters discussed in office will be kept confidential, except where a complaint is filed and served on management. If you decide to submit a written complaint after discussion with the Employment Equity Unit staff, they will assist you in completing the *Fair Employment Practices Complaint Form*.
- b. You may choose instead to file a complaint with the Statewide EEO Coordinator at the Department of Budget and Management, the Maryland Commission on Human Relations, or the US Equal Employment Opportunity Commission. Please note that the filing deadlines vary.

2. DBM OFFICE OF THE STATEWIDE EEO COORDINATOR

The Office of the Statewide EEO Coordinator enforces the Governor's Code of Fair Employment Practices, which ensures equal employment opportunity for all State employees and applicants for State employment, and provides a means for resolution of employment discrimination complaints. DHMH employees may wish to file directly with this office. Complaints must be filed within 30 days of the alleged discriminatory practice or act.

DBM Office of the Statewide EEO Coordinator
301 West Preston Street - Room 608
Baltimore, Maryland 21201
410-767-3800 or 1-800-411-5123
<http://www.dbm.maryland.gov/>

3. THE MARYLAND COMMISSION ON HUMAN RELATIONS (MCHR)

Within 180 days of the employment decision you believe to have been discriminatory, call the MCHR at 410-767-8600 to set up an appointment or begin the process of filing a charge of discrimination.

Maryland Commission on Human Relations
6 St. Paul Street, 9th Floor,
Baltimore, MD 21201
410 767-8600
<http://www.mchr.state.md.us/>

4. US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EEOC is responsible for employment discrimination on a Federal level. The agency is charged with enforcing Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act (EPA), the Americans with Disabilities Act (ADA) of 1990 and the 1967 Age Discrimination in Employment Act (ADEA). Complaints must be filed within 300 days of the alleged discriminatory practice or act, or in some cases when you become aware of the alleged discriminatory practice or act.

Equal Employment Opportunity Commission
Baltimore District Office - 10 South Howard Street, 3rd Floor
Baltimore, Maryland 21201
410-962-3932
<http://www.eeoc.gov/>

IV. REFERENCES

- The Equal Pay Act of 1963, <http://www.eeoc.gov/epa/>
- Title VII, The Civil Rights Act of 1964, as amended. <http://www.eeoc.gov/policy/vii.html>
- The Age Discrimination in Employment Act of 1967 <http://www.eeoc.gov/policy/adea.html>

- Titles I and V, The Americans with Disabilities Act of 1990
http://www.eeoc.gov/abouteeo/overview_laws.html
- Governor's Executive Order 01.01.1995.19 - Code of Fair Practices, 1995
http://www.dbm.maryland.gov/dbm_publishing/public_content/dbm_taxonomy/employee_services/equal_employment_opportunity/codeoffairpractices1995.htm

Approved:

(Signature on File)

S. Anthony McCann, Secretary

July 15, 2005

Effective Date